

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

THE REVOCABLE LIVING TRUST OF  
JUDITH A. DUNN DATED DECEMBER  
16, 1996 JUDITH A. DUNN, TRUSTEE,

Plaintiff,

v.

QUICKEN LOANS, INC., et al.,

Defendants.

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1:18-CV-371-RP

**ORDER**

On September 18, 2020, Plaintiff The Revocable Living Trust of Judith A. Dunn (“Plaintiff”) filed an agreed motion to dismiss stating that the parties have resolved their dispute. (Dkt. 62; *see also* Order, Dkt. 61 (ordering that, in light of the parties’ settlement, the parties shall file dismissal papers, or a joint status report, by September 18, 2020)). The Court construes the motion to dismiss pursuant to Federal Rule of Civil Procedure 41(a)(2).

Rule 41(a)(2) “allows plaintiffs to freely dismiss their suits, subject to court approval, provided the dismissal does not prejudice any party.” *Templeton v. Nedlloyd Lines*, 901 F.2d 1273, 1274 (5th Cir. 1990). The district court has discretion to grant a Rule 41(a)(2) motion to dismiss. *Manshack v. Sw. Elec. Power Co.*, 915 F.2d 172, 174 (5th Cir. 1990). Generally, motions for voluntary dismissal should be freely granted, unless the non-moving party can show it would suffer some plain legal prejudice. *Elbaor v. Tripath Imaging, Inc.*, 279 F.3d 314, 317 (5th Cir. 2002).

In light of the parties’ settlement and agreement to dismiss Plaintiff’s claims against Edwin Smith and Ranene Smith without prejudice, **IT IS ORDERED** that Plaintiff’s motion to dismiss, (Dkt. 62), is **GRANTED**.

**IT IS FURTHER ORDERED** that Plaintiff's claims against Edwin Smith and Ranene Smith are **DISMISSED WITHOUT PREJUDICE**.

The Court will enter final judgment regarding all the claims in this case by separate order.

**SIGNED** on September 21, 2020.

A handwritten signature in blue ink, appearing to read "R. Pitman", is written above a horizontal line.

ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE